

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2455 OF 2005

Sanjay Sambhaji Bhosale ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.V.V. Purwant, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR, J.

28th April 2005

P.C.:

. Pursuant to order dated 25th April 2005, Mr. Purushottam Karad, Deputy Superintendent of Police, Solapur is present in Court. He informs that the Superintendent of Police, Solapur is presently on leave. He assures on behalf of the Superintendent of Police that immediate remedial measures will be taken to ensure that the stated lapses are not repeated in future. Besides,

assurance is given that if required, departmental action will be taken against the erring officials. The above assurances are accepted.

. Today, the Secretary, Home Department, was asked to appear before the Court as it was represented to the Court by Mr. Purushottam Karad, Deputy Superintendent of Police, Solapur, that he was not aware about the recent Circular issued by the Home Department, directing all concerned Officials to ensure that whenever intimation is received from the office of the Public Prosecutor about hearing on any bail matter, it will have to be immediately responded well in time. The Secretary, Home Department, on the other hand, states that the Circular issued by the Home Department was widely circulated. He submits that, in any case, the Home Department will take steps to give wide circulation to the said Circular continuously for a period of one week to all concerned, so as to ensure that, in future, the stated lapses are not repeated. That assurance is accepted.

. The investigating officer is present in

Court and has offered explanation. He submits that intimation regarding date of hearing on 13th April 2005 was not received by him. This explanation will have to be considered by the appropriate authority. Inasmuch as when intimation from the office of Public Prosecutor is forwarded by wireless message, it is incomprehensible that message sent through wireless will not reach the concerned official. Insofar as non-appearance on 20th April 2005 is concerned, it is stated that intimation about the date of hearing was received by the investigating officer on the same date. Prima facie, there is no reason to accept this explanation because after the matter was adjourned to 13th April 2005, the office of the Public Prosecutor has given intimation in that behalf to the concerned officer. Accordingly, even this aspect will have to be considered by the appropriate officer. After due enquiry, matter be taken to its logical end if necessary against the investigating officer. Compliance report be submitted within four weeks to this Court.

. Insofar as merits is concerned, the

Applicant claims parity along with Yeshwant Keshavrao Mulik in whose favour anticipatory bail has been granted by this Court. Learned A.P.P. on instructions fairly accepts this position. If it is so, this application ought to succeed on the same terms on which anticipatory bail is granted to co-accused Yashwant Keshavrao Mulik, in the following terms.

(A) The Applicant is granted anticipatory bail in connection with CR.No. 22 of 1999 registered with Solapur Taluka Police Station on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty-five thousand only) with two local sureties in the like amount.

(B) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicant shall co-operate for the purpose of investigation in all respects and abide by the conditions

under section 438(2) of the Criminal Procedure Code, as applicable to the State of Maharashtra.

(D) This order shall enure in favour of the Applicant till the filing of the charge sheet.

. Application disposed of on the above terms.

. Although this application is disposed of, it be shown for directions on 14th June 2005 to consider the compliance report.

(A.M.KHANWILKAR, J.)